

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

DON EUGENE SIEGELMAN

PAUL MICHAEL HAMRICK

GARY MACK ROBERTS

RICHARD M. SCRUSHY

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CRIMINAL NO. 2:05-CR-119-MEF

**UNITED STATES' PROPOSED SUPPLEMENTAL JURY INSTRUCTION ON HONEST
SERVICES FRAUD OFFENSES**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and hereby respectfully submits, as directed by the Court this day at the parties' charging conference, the following proposed addition to the jury instructions on honest services fraud offenses.

Insert in the Court's proposed instructions on page 28 as the last sentence of the carry-over paragraph and on page 30 as the last sentence of the last paragraph, the following:

"Public officials and public employees do not defraud the public of honest services if their intent was solely the cultivation of business or political friendship, but they can defraud the public of honest services if they act with an intent to be influenced or rewarded regarding their official acts."

By submitting this proposed instruction, the United States in no way waives its objection to the Court's decision to give this additional charge that is not included in the Eleventh Circuit Pattern Jury Instructions.

Respectfully submitted this 13th day of June, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on June 13th, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted this 13th day of June 2006.

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